RECEIVED CENTRAL FAX CENTER

DEC 1 1,2008



FAX COVER PAGE

DATE: December 11, 2008

PAGES INCLUDING THIS PAGE: 4

TO: Mail Stop ISSUE FEE

FAX NUMBER: 571-273-8300

COMPANY: U.S. Patent and Trademark Office

PHONE NUMBER:

FROM: Brad A. Schepers

DIRECT DIAL: (317) 238-6334

FAX NUMBER: (317) 636-1507

RE: Payment of Issue Fee for U.S. Patent Application No. 09/870,023 to Charles L. Branch

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

> December 11, 2008 (Date of Transmission)

Brad A. Schepers

Name of Registered Representative

Signature

Hard copy will be sent via: Regular Mail

Overnight Courier

Name of Sender:

Cheryl Kalugyer

Client Matter No.:

WARNING CONFIDENTIALITY NOTICE The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax

transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP

KRIEG DEVAULT LLP ONE INDIANA SQUARE

12800 N MERIDIAN STREET

KRIEG DEVAULT GALVIN

KRIEG DEVAULT LUNDY

LLP

LLP

SUITE 2800

SUITE 300

5231 HOHMAN STREET

334 MSDI-213

INDIANAPOLIS, IN 46204

CARMEL, IN 46032

825 ANTHONY WAYNE BUILDING

TELEPHONE-(317) 636-

HAMMOND, IN 46320 TELEPHONE-(219) 933-

203 EAST BERRY STREET

4341

TELEPHONE-(317) 566-0380 FAX-(219) 933-0471

FT. WAYNE, IN 46802 TELEPHONE-(260) 422-

1110 FAX-(317) 636-1507

FAX-(317) 636-1507

1534

FAX-(260) 423-1590

KD_IM-1862061_1.DOC

RECEIVED CENTRAL FAX CENTER

DEC 1 1 2008

PTO/SB/21 (09-04)
Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995	no persons.	are required to respond to a coll-	ection of Info	nation unless it o	isolays a valid OMB control number				
		Application Number	09/870,023						
TRANSMITTAL		Filing Date	May 30, 2001						
FORM	First Named Inventor	Charles L. Br							
		Art Unit	3733						
	`	Examiner Name	Pedro Philog	jene					
(to be used for all correspondence after initial	3	Attorney Docket Number	MSDI-213/P	C365.05					
Total Number of Pages in This Submission									
ENCLOSURES (Check all that apply) After Allowance Communication to TC									
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1,53	P F G T T G F G T T T T T T T T T T T T T	Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence / Ferminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on Clinks	Address	Appea of Appea (Appea (Appea) Status Other below	I Communication to Board eals and Interferences I Communication to TC I Notice, Brief, Reply Brief) etary Information Letter Enclosure(s) (please identify				
SIGN	ATURE C	OF APPLICANT, ATTO	RNEY, O	R AGENT					
Firm Name Krieg DeVault LLP									
Signature	SUL								
Printed name Brad A. Schepers									
Date December 11, 2008			Reg. No.	45,431					
I hereby certify that this correspondence is sufficient postage as first class mail in an the date shown below:	haine form	CATE OF TRANSMISS imile transmitted to the USP ddressed to: Commissioner f	TO or denos	ited with the U	nited States Postal Service with Alexandria, VA 22313-1450 on				
Signature		5J-							
Typed or printed name Brad A. Schep	ers			Date	December 1.1, 2008				

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

KRIEG DEVAULT

RECEIVED 12003 **CENTRAL FAX CENTER**

(Signature

PART B - FEE(S) TRANSMITTAL

DEC 1 1 2008

· Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

09/11/2008

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 (571)-273-2885

or <u>Fax</u>

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. CURRENT CORRESPONDENCE ADDRESS (Noto: Uso Block 1 for any change of address)

52196 KRIEG DEVAULT LLP ONE INDIANA SQUARE, SUITE 2800 INDIANAPOLIS, IN 46204-2709

7590

Authorized Signature

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below. (Depositor's name)

				December	er II	1,2008	(Date	IJ
	CH DIC DATE	FIRST NAMED INVENTOR			ATTORN	EY DOCKET NO.	CONFIRMATION NO.]
09/870,023	05/30/2001 : INTERBODY FUSION	N GRAFTS AND INSTRI	008 HMARZI2		-213/PC365.05 9 09870023	9301		
•			01 FC:1		1510.00 OP			
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSU	E FEE	TOTAL FEE(S) DUE		ل
nonprovisiona)	NO	\$1440	50	\$1400		\$1440	12/11/2008	
EXAMINER		ART UNIT	CLASS-SUBCLASS					
PHILOGENE, PEDRO		3733	606-061000					
CFR 1.363). Change of correst Address form PTO/S Address form PTO/S PTO/SB/47; Rev 03-Number is required 3. ASSIGNEE NAME A PLEASE NOTE: Urrecordation as set for (A) NAME OF ASS	B/122) attached. dication (or "Fee Addres. 02 or more recent) attace AND RESIDENCE DAT taless an assignee is iden th in 37 CFR 3.11. Com IGNEE	ange of Correspondence s" Indication form hed. Use of a Customer A TO BE PRINTED ON nified below, no assigned pletion of this form is NO	2. For printing on the partial of the names of up to or agents OR, alternation (2) the name of a sing registered attorney or 2 registered patent attained, no name will be THE PATENT (print or tyed attained and the partial as ubstitute for filing and (B) RESIDENCE: (CIT Wars automated on the patent):	a 3 registered pater vely, e firm (having as agent) and the nan imeys or agents. If printed. pe) satent. If an assigneed assignment. Y and STATE OR	a member nes of up f no name nee is ide	ra 2 to is 3 entified below, the		fo
4a. The following fee(s) Alssue Fee Publication Fee (s)		t permitted)	Ab. Payment of Fee(s): (Ple	ase first reapply	any previ 38 is atta	iously pald issue fe ched.		
	tatus (from status indicat ms SMALL ENTITY sta and Publication Fee (if re- c records of the United S	. A 37 OFF 1 37	b. Applicant is no lotted from anyone other than rk Office.	nger claiming SM. the applicant; a re	ALL ENT	attorney or agent; or	CFR 1.27(g)(2). the assignee or other part	ty i
iniciest as shown by th					_			

Schepers Registration No. This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Typed or printed name

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.